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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

COLLECTION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION

Fourteenth periodic report of States parties due in 1996

Addendum

PAKISTAN*

[7 June 1996]

Introduction

1. In accordance with article 9, paragraph 1 (b), of the International Convention on the Elimination of All Forms of Racial Discrimination, the Government of Pakistan has periodically informed the Committee on the steps taken by it to implement the provisions of the Convention to which Pakistan became a party by ratification in 1969.

2. The ninth periodic report of Pakistan was considered by the Committee during its thirty-fourth session in August 1986. The present report supplements the information given earlier. An effort has been made to adhere

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* This document contains the tenth, eleventh, twelfth, thirteenth and fourteenth (consolidated) periodic reports due on 5 January 1988, 5 January 1990, 5 January 1992, 5 January 1994 and 5 January 1996 respectively. For the ninth periodic report of Pakistan and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/SR.796-797.

to the general guidelines in the preparation of the report and to take into account the valuable comments and observations made by the Committee during its consideration of Pakistan's last periodic report.

I. GENERAL

3. Pakistan is committed to the elimination of racial discrimination in all its forms and manifestations as a matter of policy and conviction. It has remained in the vanguard of the struggle against racism and racial discrimination, in its institutional form or otherwise, and for equality of all individuals irrespective of their race, colour or creed.

4. Pakistan played a leading role in the elimination of apartheid and continues to play an active role in the elimination of new forms of racial discrimination and xenophobia. Pakistan is a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid and participated in the elaboration of the International Convention on the Elimination of All Forms of Racial Discrimination.

5. As a State party, Pakistan continues to uphold and implement the provisions of the Convention and has made efforts to translate the provisions of the Convention into its legal framework. Therefore, the Constitution of the Islamic Republic of Pakistan and its Penal Code constitute an overall legal framework giving effect to the provisions of the Convention.

6. Furthermore, the principles of brotherhood, equality and tolerance towards all are basic tenets of the Islamic faith and are duly embodied in th country's Constitution. Islamic teachings prohibit discrimination of any kind on the basis of race, colour, caste, language or creed. The Constitution of Pakistan provides that all laws in Pakistan would be in conformity with Islamic precepts and, as such, legislative and administrative measures taken by the Government of Pakistan to implement the Convention are reinforced by Islamic teachings on brotherhood, equality and tolerance towards all.

7. The Constitution of the Islamic Republic of Pakistan obligates the State to discourage parochial, racial, tribal, sectarian and provincial prejudices. Moreover, it guarantees fundamental rights to each citizen irrespective of his/her race, religion, caste, sex, residence or place of birth. Equality before the law and equal protection by the law is accorded to each citizen. There are several specific provisions in the Constitution which prohibit discrimination on the basis of race, religion, caste or sex. The text of these constitutional provisions is annexed* as well as reproduced where considered appropriate. Additional measures taken by the Government of Pakistan to protect and promote the rights of minorities have also been elaborated in the report.

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* Available for consultation in the files of the Centre for Human Rights.

8. Since the submission of Pakistan's ninth periodic report, the process of democratization has been completed. Constitutional and fundamental rights have been fully restored, the supremacy and independence of the judiciary have been re-established and foundations have been laid for consolidation of democratic institutions in accordance with the Constitution and aspirations of the people. Successful elections to the National and Provincial Assemblies were held in 1988, 1990, 1993. Minorities and other sections of the population are duly represented in the provincial and national legislatures. The interests and rights of all citizens are respected and protected under the law.

9. The process of democratization and the introduction of measures for the protection and promotion of human rights in Pakistan have reinforced the capacity of the Government and the State organs to fully implement the provisions of the Convention in letter and spirit.

10. During the consideration of Pakistan's ninth periodic report, the distinguished members of the Committee had requested additional information on various aspects of the report submitted. An effort has been made to respond to those observations in the following paragraphs.

Legal framework

11. Following the lifting of martial law, the Constitution has been restored fully. Measures introduced during the martial law period have been repealed and replaced by the rule of law as provided for under the Constitution.

12. The Constitution can only be amended by the Parliament. Some of the amendments which were introduced prior to the submission of Pakistan's last report do not in any way impede the implementation of the provisions of the Convention. No new amendment has been made to the Constitution.

13. In Pakistan Islamic and common law complement each other. Islam guarantees equality before law and equal protection by law to all citizens as well as freedom, equality, tolerance and social justice.

14. Article 4 of the Constitution provides that it is the inalienable right of every citizen to enjoy the protection of law and to be treated in accordance with the law. Similar protective measures are also provided in the Pakistan Penal Code.

Population

15. The last population census was carried out in Pakistan in 1981. The figures contained therein were provided to the Committee in Pakistan's last report. Unfortunately the Fifth Population and Housing Census of Pakistan has not been conducted so far. The latest figures on different populations are therefore not available. However, an adviser/expert from the United Nations, Mr. J.G.C. Blaker of the London School of Hygiene and Tropical Medicine, has developed population projections for Pakistan from mid-1981 to 2001 using 1981 census figures by assuming declining mortality and constant fertility levels.

16. According to his projections, the total population of Pakistan in mid-1996 is estimated at 137 million with a sex ratio of 107 in favour of males. Using the proportion of minorities of the 1981 census, i.e. 3.32 per cent of the population, the estimated mid-1996 population of minorities comes to 4.6 million.

17. Data on ethnic origin are not collected in the country's decennial census or otherwise; the Government of Pakistan therefore regrets that it is unable to provide this information to the Committee.

Languages

18. Pakistan consists of four provinces, namely, Punjab, Sindh, North West Frontier Province (NWFP) and Balochistan. Urdu is the national language while Punjabi, Sindhi, Pushto, Balochi and a few other languages are spoken in different parts of Pakistan. No direct question on mother tongue was asked in respect of individuals in the 1981 census. However, a question was asked about languages spoken in the household. The percentage of different languages spoken in Pakistan is as under:

Languages	Percentage
Urdu	7.60
Punjabi	48.17
Pushto	13.15
Sindhi	11.77
Balochi	3.02
Brahvi	1.21
Hindko	2.43
Siraiki	9.84
Others	2.81

19. By applying this proportion of languages spoken in households, an approximate calculation can be made on the basis of the estimated 1996 population.

20. The question on mother tongue is being asked on an individual basis in the fifth census which, as indicated earlier, has not yet been held. Data on this could be made available as and when the census is held.

Press censorship

21. The press in Pakistan enjoys total freedom and there is no censorship. The Government of Pakistan believes that a free press is an essential requisite for promoting democracy in the country and for ensuring accountability of the members and functionaries of the Government.

Minorities

22. The interests and the rights of minorities are fully protected in Pakistan. They constitute about 3.32 per cent of the total population and consist of Christian, Hindus, Ahmadis, Parsis, Buddhists and Sikhs.

23. The position mentioned in the report submitted by Pakistan during 1986 has considerably changed. A number of new institutions and forums have been established which are helping to resolve the problems being faced by minorities in the country. A number of new schemes and measures have been introduced for the welfare and uplift of minorities. Some of the measures undertaken by the Government are given below.

Institutional arrangements

24. Minorities Affairs Division. A separate division has been established in the Federal Government for:

(a) Safeguarding the rights of the minorities, as guaranteed to them by the Constitution of the Islamic Republic of Pakistan;

(b) Promotion of the welfare of minorities;

(c) Protection of minorities against discrimination;

(d) Representation of Pakistan in international bodies and conferences relating to minorities, including the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(e) International agreements and commitments in respect of minorities and their implementation.

25. National Commission for Minorities. To promote the welfare and uplift of minorities and to protect and safeguard their religious, social and cultural rights, the Government has constituted a high-powered National Commission for Minorities under the chairmanship of the Minister for Minorities Affairs. The Commission is represented by all segments of minorities living in Pakistan. The terms of reference of the Commission are as under:

(a) To consider such laws, executive instructions, orders or procedural practices of the Government or government agencies, autonomous and semi-autonomous bodies and agencies, which are reported to be discriminatory towards minorities;

(b) To recommend to the Government such steps as shall ensure fuller and effective participation by the members of minority communities in all aspects of national life;

(c) To ensure their full and effective participation and association with their religious and cultural festivals and celebrations;

(d) To look into the grievances and representations made by the members of any minority community to the Government of Pakistan; after examination of such grievances, to make suitable recommendations to the Government of Pakistan;

(e) To ensure that churches, shrines, temples, gurdwaras and other places of worship of minority communities are preserved and kept in a functional condition.

26. Federal Advisory Council for Minorities Affairs. An Advisory Council for Minorities Affairs comprising, among others, 65 non-official members has been set up under the auspices of the Minorities Affairs Division.

27. The Council advises the Government on matters concerning the welfare of minorities. The meetings are held periodically. The Government formulates its policies in the light of the recommendations of the Council. Non-official members of the Council consist of all the minority members of the National and Provincial Assemblies and other prominent members of the minority communities throughout Pakistan.

28. District Minority Committees. District Minority Committees have been set up in all the districts of the country. The idea is to look into the day-to-day problems of the minorities and to resolve them at their doorstep. The Committees are headed by Deputy Commissioners/Additional Deputy Commissioners and are composed of members belonging to minority communities residing in the district.

29. National Committee on the Kalash People. On the directive of the Prime Minister, a National Committee comprising the concerned Members of the National Assembly (MNAs), representatives of the concerned ministries/divisions and the provincial government of NWFP has been set up to protect and preserve the Kalash people and their culture.

30. Monthly meetings with minority MNAs. Meetings with minority MNAs are held to sort out the problems being faced by the minorities and to discuss the various measures for their solution.

31. Local bodies. On the basis of their numerical strength, seats in local bodies such as union councils, town committees/municipal committees, municipal corporations, cantonment boards, metropolitan corporations, etc. have been reserved for minorities. These seats are filled by elections with the votes of minorities of the area and only persons belonging to minorities can contest elections for these reserved seats. The elected councillors play a vital role in solving problems of a local nature faced by the minority communities.

32. Seminar on the uplift of minorities and the electoral system. With a view to identifying and mitigating the hardships of minority communities, a seminar on the uplift of minorities and the electoral system was organized by the Minority Affairs Division under the directive of the Prime Minister. The seminar was held at Peshawar on 23-24 August 1995 and attended by 18 minority members of provincial assemblies (MPAs) from all the four provinces. A large number of recommendations having far-reaching effects were made during the seminar which are being examined by the provincial governments, federal ministries/divisions to assess their implementability.

33. Special meeting on matters relating to minorities. A meeting was held on 13 March 1996, under the chairmanship of Senator Sayed Iqbal Haider, Senator in charge for Human Rights, with prominent members of minority communities including minority MNAs, to invite suggestions/recommendations for the quick grant of relief to those members of minority communities in respect

of the problems confronted by them in various fields. The meeting made recommendations regarding reactivation of district minority committees, provision of cremation grounds/graveyards, undoing of maltreatment/discrimination, and resolution of educational problems. These have since been referred to the provincial governments/federal ministries/divisions concerned for implementation.

Welfare schemes

34. Pakistan minorities welfare fund. Out of this fund an amount of Rs. 5,846,000 has been spent on the award of scholarships to minority students. Details are given below:

Year	No. of students granted scholarships	Amount
1993/94	947	1 694 000
1994/95	3 459	4 152 000
Total	4 406	5 846 000

35. Special fund for the welfare and uplift of minorities. The above funds are allocated to minority MNAs on the basis of population of minority communities which they represent and disbursed through them for the following purposes:

(a) Financial assistance to needy persons;

(b) Acquisition/improvement of burial places and repair/renovation of places of religious importance;

(c) Development schemes (exclusively for minorities).

36. The details of expenditure and number of schemes undertaken during the present Government are given below:

(a) Financial assistance. An amount of Rs. 33,906,000 was disbursed among 20,500 needy persons belonging to minorities during the period under review;

(b) Acquisition/improvement of burial places and repair/renovation of places of religious importance. An expenditure of Rs. 21,392,000 was incurred for 126 schemes during the period under review;

(c) Development schemes. The details of development schemes undertaken for the welfare and uplift of minorities during the period under review are given below:

Year	No. of schemes	Expenditure
1993/94	96	19 211 842
1994/95	202	34 828 630
1995/96	42	9 100 717
Total	340	63 141 175

37. Discretionary fund. An expenditure of Rs. 1,711,300 has been incurred on payment of financial assistance to 255 needy minority persons during the period under review.

38. Sending of low-paid Christian employees to visit their holy places in Rome. The Prime Minister approved this scheme last year. This facility was extended to minority communities for the first time in the history of Pakistan. Under this scheme 10 low-paid government employees belonging to the Christian community visited the Vatican City. During the current year visits by 50 low-paid Christian employees of the Federal Government and provincial governments have been approved by the Prime Minister for visiting the holy places.

39. Gift scheme/financial assistance to various minorities on the occasion of their religious festivals. During the period under review an amount of Rs. 11.5 million was distributed among the 8,255 members of minorities during their religious festivals like Christmas, Diwali, etc.

40. Cultural awards for minorities. In order to preserve and promote the culture of minority communities of Pakistan, the Government of Pakistan has introduced a scheme of national cultural awards exclusively for minorities. Under this scheme, awards, accompanied by a cash prize of Rs. 50,000, are granted each year in the fields of literature, fine arts, performing arts and folk arts. Fifty talented persons of various minorities have benefited from this scheme.

41. Cultural identity of the minorities. The Constitution of Pakistan states that "any section of citizens having a distinct language, script or culture shall have the right to preserve and promote the same and subject to law establish institutions for that purpose". The President of Pakistan has instituted awards of "pride of performance" at the national level which are awarded also to the minorities. A number of talented individuals belonging to minority groups who have excelled in the field of arts, sciences, literature, music, etc. have received the award.

42. Afghan refugees. A large number of Afghan refugees had entered Pakistan as a result of foreign military intervention and fighting in Afghanistan since 1979. At one stage they numbered well over 3 million. Most of them lived in refugee villages awaiting return to their homeland in safety and honour. They were provided with substantial humanitarian assistance by the Government of Pakistan, the United Nations High Commissioner for Refugees and some other donors. Although a substantial number of refugees have returned to Afghanistan, about 1.2 million continue to remain in Pakistan. The main

reason is the continued internal conflict in Afghanistan, the destruction of the Afghan economy and infrastructure and the presence of land-mines in the fields and villages. Pakistan hopes that the various Afghan groups will reach agreement for national reconciliation and end their fratricidal conflict and thus create conditions conducive for the return of the Afghan refugees.

43. The people and Government of Pakistan greeted the refugees with open arms and offered generous hospitality to one of the largest case-loads of refugees in history. Despite the large number of refugees and their concentration in particular areas of Pakistan, there was no significant friction with the local people. They were allowed freedom of movement, employment and speech. There was no discrimination against the refugees. They were provided all rights, except, of course, political rights reserved to the citizens of Pakistan.

44. Pakistan believes that the presence of Afghan refugees in Pakistan is temporary and that they will return to Afghanistan as soon as conditions permit.

45. Pakistan supports the efforts of the United Nations to facilitate national reconciliation and reconstruction in Afghanistan, in particular by ensuring transfer of power through urgent establishment of a fully representative and broad-based authoritative council with authority, inter alia:

(a) To negotiate and oversee an immediate and durable cease-fire;

(b) To create and control a national security force to provide for security throughout the country and oversee the collection and safeguarding of all heavy weapons in the country, and to stop the flow of arms and equipment related to arms production to the parties;

(c) To form an acceptable transitional government which could, inter alia, control the national security force, until conditions for free and fair elections are established throughout the country, possibly utilizing traditional decision-making structures, such as a grand assembly, to help establish those conditions.

46. The above-mentioned measures, the Government of Pakistan hopes, would create conditions conducive to the early return of the Afghan refugees to their homeland.

II. INFORMATION IN RELATION TO ARTICLES 2 TO 7

Article 2

47. Pakistan has consistently condemned racial discrimination. It has pursued by all means available a policy of eliminating discrimination in all its forms and promoting understanding among all segments of its society. The Constitution of the Islamic Republic of Pakistan prohibits any discrimination based on religion, race, caste or sex. Equality before the law and equal protection by the law is ensured to all citizens of Pakistan under the Constitution.

48. Specifically:

(a) Pakistan has never engaged in any act or practice of racial discrimination against persons, groups of persons or institutions and ensures that all public authorities and public institutions, national and local, act in conformity with the obligation contained in paragraph 1 (a) of article 2. Article 33 of the Constitution dictates that the State shall discourage parochial, racial, tribal, sectarian and provincial prejudices among citizens;

(b) Pakistan has never sponsored, defended or supported racial discrimination by any persons or organizations;

(c) Pakistan has never had any policies or laws and regulations which would have had the effect of racial discrimination. However, it actively reviews policies so as to make them more effective in ensuring participation by all segments of the society in the polity of the nation. Article 36 of the Constitution states that the State shall safeguard the legitimate rights and interests of minorities including due representation in the federal and provincial services.

49. Regarding the provisions of paragraph 2 of article 2 of the Convention, it is stated that article 37 (a) of the Constitution directs that the State shall promote, with special care, the educational and economic interests of the backward classes or areas. Article 38 (a) provides that the State shall secure the well-being of the people, irrespective of sex, caste, creed or race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of the general interest and by ensuring equitable adjustment of rights between employers and employees and landlords and tenants.

50. The Government is fully responsive to the development needs of the less developed areas. Several programmes have been initiated by the Government in the social sector.

51. The present Government accords high priority to the socio-economic empowerment of the people. The spending level on the social sector has gone up by 33 per cent. A comprehensive Social Action Programme has been launched to address priority areas like health, population welfare, women's development, labour and manpower, minority affairs, environment and culture. The Social Action Programme has the following four major components:

(a) Basic education, for which 30,400 new schools will be constructed and another 9,800 existing ones will be renovated. About 7 per cent of such schools will be for girls. This will involve recruitment of about 35,000 female teachers and 18,500 male teachers;

(b) Primary health care and nutrition, for which 300 unfinished rural health facilities in Sindh, carried over from the Seventh Five Year Plan, will be completed and 200 new rural health facilities will be built in Balochistan, and 33,000 village health and family planning workers will be trained by the year 1997;

(c) Population welfare, for which the population growth rate, which stands at 2.9 per cent, will be brought down to 2.6 per cent by the year 1998 by delivering expanded services through additional recruitment and training of 4,000 village family planning workers, increased service delivery points, doubling the number of mobile service units, and the strengthening of population information activities;

(d) Rural water supply and sanitation, for which numerous development schemes will be launched throughout the country.

Article 3

52. Pakistan has always believed that the policies of apartheid, racial segregation and discrimination are not only repugnant to the ideals of any human society but also socially unjust, morally condemnable and legally untenable. Racial superiority has no scientific basis. Pakistan has condemned racial segregation and apartheid as a crime against human dignity and considers it contrary to the Charter of the United Nations and the Universal Declaration of Human Rights and to the moral values of mankind.

53. The policy of apartheid as practised by South Africa was unreservedly condemned by Pakistan. Pakistan remained in the forefront of the international campaign against the racist Pretoria regime and observed a complete boycott of the regime in so far as political, diplomatic, economic, social, cultural, sports or other contacts were concerned. Pakistan welcomed the restoration of democracy in South Africa following the official dismantling of the apartheid system, and welcomed South Africa to the United Nations and to the Commonwealth. Pakistan now enjoys warm and cordial relations with the Government of South Africa and has full diplomatic and economic relations with it.

54. The problem of racism and racial discrimination does not exist in Pakistan and the Government has taken effective measures to prevent incitement to or acts of discrimination based on theories of superiority of race, colour or ethnic origin.

Article 4

55. The purposes, objectives and spirit of article 4 of the Convention are given full effect by the provisions of the Constitution and the Pakistan Penal Code. The application of the law is not only limited to acts which disturb public tranquillity or cause alarm, but also to acts which promote or incite or attempt to promote or incite, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities. In Pakistan public or private organizations cannot propagate, promote or incite racial discrimination.

Article 5

56. Irrespective of race, colour, creed or sex every citizen of Pakistan is equal before the law and enjoys equal protection provided under the various legal provisions.

57. The Government of Pakistan has always endeavoured to protect and promote civil and political rights as well as economic, social and cultural rights of all citizens. The elected Government of Pakistan has initiated some far-reaching measures for protection and promotion of human rights in Pakistan and for the economic and social uplift of the people. These measures, along with the total implementation of the provisions of the Constitution and the law, adequately cover the provisions in article 5.

58. Specifically:

(a) The right to equal treatment before the tribunals and all other organs administering justice is protected under article 25 of the Constitution. It states "All citizens are equal before the law and are entitled to equal protection of the law.";

(b) The right to security of person and protection by the State against bodily harm, whether inflicted by government officials or by any individual group or institution, is ensured through articles 25 (quoted above), articles 9 and 10 and article 14 of the Constitution, quoted below:

"Article 9

"No person shall be deprived of life or liberty save in accordance with the law."

"Article 10

"(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice.

"(2) Every person who is arrested and detained in custody shall be produced before a magistrate within a period of twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the court of the nearest magistrate, and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

"(3) Nothing in clauses (1) and (2) shall apply to any person who is arrested or detained under any law providing for preventive detention.

"(4) No law providing for preventive detention shall be made except to deal with persons acting in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof, or external affairs of Pakistan, or public order, or the maintenance of supplies of services, and no such law shall authorize the detention of a person for a period exceeding three months unless the appropriate Review Board has, after affording him an opportunity of being heard in person, reviewed his case and reported, before the expiration of the said period, that there is, in its opinion,

sufficient cause for such detention, and, if the detention is continued after the said period of three months unless the appropriate Review Board has reviewed his case and reported, before the expiration of each period of three months, that there is, in its opinion, sufficient cause for such detention.

Explanation I In this article, 'the appropriate Review Board' means

(a) In the case of a person detained under a Federal law, a Board appointed by the Chief Justice of Pakistan and consisting of a Chairman and two other persons, each of whom is or has been a Judge of the Supreme Court or a High Court; and

(b) In the case of a person detained under a provincial law, a board appointed by the Chief Justice of the High Court concerned and consisting of a Chairman and two other persons, each of whom is or has been a Judge of a High Court.

Explanation II The opinion of a review board shall be expressed in terms of the views of the majority of its members.

"(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, within fifteen days from such detention, communicate to such person the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order

provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against the public interest to disclose.

"(6) The authority making the order shall furnish to the appropriate review board all documents relevant to the case unless a certificate, signed by a Secretary to the government concerned, to the effect that it is not in the public interest to furnish any documents, is produced.

"(7) Within a period of twenty-four months commencing on the day of his first detention in pursuance of an order made under a law providing for preventive detention, no person shall be detained in pursuance of any such order for more than a total period of eight months in the case of a person detained for acting in a manner prejudicial to public order and twelve months in any other case

provided that this clause shall not apply to any person who is employed by or works for, or acts on instructions received from, the enemy or who is acting or attempting to act in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof or who commits or attempts to commit any act which

amounts to an anti-national activity as defined in a Federal law or is a member of any association which has for its objects, or which indulges in, any such anti-national activity.

"(8) The appropriate Review Board shall determine the place of detention of the person detained and fix a reasonable subsistence allowance for his family.

"(9) Nothing in this Article shall apply to any person who for the time being is an enemy alien."

"Article 14

"(a) The dignity of man and, subject to law, the privacy of home, shall be inviolable.

"(b) No person shall be subjected to torture for the purpose of extracting evidence."

"(c) Political rights, in particular the rights to participate in elections are guaranteed. Previously, in an effort to ensure adequate representation of minorities in the legislature a system of separate electorates was used, with minorities voting for representatives from their own communities. However, the minorities had expressed dissatisfaction with this system. The Special Rapporteur on religious intolerance, who visited Pakistan in June 1995, had also recommended the abolition of the system. Therefore, a new system has been instituted. The minorities would have the right to vote for their representatives as well as to participate in the regular election procedure. Article 27 (1) of the Constitution states, 'No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground of only race, religion, caste, sex, residence or place of birth.';

"(d) In regard to other civil rights such as:

(i) The right of freedom of movement and residence within the border of the State, article 15 of the Constitution states, 'Every citizen shall have the right to remain in and subject to any reasonable restriction imposed by law in the public interest, enter and move freely throughout Pakistan and to reside and settle in any part thereof.';

(ii) There is no bar on anyone leaving the country or returning to it; however, there is no specific article in the Constitution covering it;

(iii) The right to marriage and choice of spouse is governed by personal law and there is no provision in the Constitution regarding it. Under Muslim law, a Muslim adult, whether he is a male or a female, has the right to marry a person of his or her choice;

(iv) The right to own property alone as well as in association with others is ensured through articles 23 and 24, which read as follows:

"Article 23

"Every citizen shall have the right to acquire, hold and dispose of property in any part of Pakistan, subject to the Constitution and any reasonable restrictions imposed by law in the public interest."

"Article 24

"1. No person shall be deprived of his property save in accordance with the law.

"2. No property shall be compulsorily acquired or taken possession of save for a public purpose and save by the authority of law which provides for compensation therefor and either fixes the amount of compensation or specifies the principles on and the manner in which compensation is to be determined and given ..."

(v) The rights to freedom of thought, conscience and religion and the right to freedom of opinion and expression are covered by articles 19, 20 and 21, quoted below:

"Article 19

"Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court or [commission of] or incitement to an offence."

"Article 20

"Subject to law, public order and morality,

"(a) every citizen shall have the right to profess, practice and propagate his religion and

"(b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions."

"Article 21

"No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own.";

(vi) The right freedom of peaceful assembly and association is ensured through article 16 of the Constitution which states, 'Every citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order.';

"(e) Rights such as the rights of work, to free choice of employment, to just and favourable conditions of work, to equal pay for equal work and to just and favourable remuneration are covered by articles 16, 17 (1) and 18 of the Constitution. The text of article 16 has already been given above.

"Article 17

"(1) Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality."

"Article 18

"Subject to such qualifications, if any, as may be prescribed by law, every citizen shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business:

"Provided that nothing in this article shall prevent:

"(1) the regulation of any trade or profession by a licensing system; or

"(2) the regulation of trade, commerce or industry in the interest of free competition therein; or

"(3) the carrying on, by the Federal Government, or by a corporation controlled by any such Government, of any trade, business, industry or service, to the exclusion, complete or partial, of other persons."

"(f) The right to form and join trade unions is covered under article 17 reproduced above;

"(g) The rights to housing, public health, medical care, social security and social services, education and training and equal participation in cultural activities are covered by the principles of policy in the Constitution of Pakistan that the State shall provide all

citizens with basic necessities of life such as food, clothing, housing, education, medical care, social security, etc., subject to the availability of resources.

"Article 38

"The State shall -

"(a) secure the well-being of the people, irrespective of sex, caste, creed or race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest and by ensuring equitable adjustment of rights between employers and employees, and landlords and tenants;

"(b) provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure;

"(c) provide for all persons employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means;

"(d) provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment;

"(e) reduce disparity in the income and earnings of individuals, including persons in the various classes of the service of Pakistan.";

"(h) The right of access to any place or service intended for use by the general public such as transport, hotels, restaurants, cafes, theatres and parks is addressed by article 26 (1) of the Constitution:

"Article 26

"(1) In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, caste, sex, residence or place of birth".

Article 6

59. As stated earlier, every citizen of Pakistan, irrespective of his origin, faith or sex, enjoys the fundamental human rights and freedoms provided for in the Constitution without any discrimination. These rights fully conform to the provisions of the Convention. The judiciary is totally independent and fully competent to enforce the constitutional rights and those provided under

the law which does not discriminate between the citizens of Pakistan. All citizens have the right to seek redress for alleged or perceived infringements of their rights by the courts of law in Pakistan.

Article 7

60. The Government of Pakistan recognizes the key role education plays in economic growth, social development and general awareness amongst the people. It accords the highest priority to education and improvement of the literacy level which unfortunately continues to be as low as 35 per cent. The Government has launched a mass literacy programme in the formal and informal sectors. The policy objectives have been fully backed by concrete initiatives and resource provisions made in the Eighth Five Year Plan and the Social Action Programme. An unprecedented increase has been made in the financial outlay for education. This is meant for improving and expanding education infrastructure, especially increasing the number of primary schools all over the country. The Plan envisages that by 1998 enough schools would have been established and places created to enrol almost all boys and girls of 5 to 9 years of age.

61. To ensure that education continues to receive its due share in the coming years and successive Governments do not lower the priority assigned to it in matters of financial allocation, a law has been framed which will guarantee that a minimum of 3 per cent of GNP is spent on education by the year 2000. Measures to increase public-private partnership, curriculum improvement, teacher training, testing services, etc., have been initiated and it is expected that they will have far-reaching results. The National Education and Training Commission has been reactivated for increasing adult literacy. A computer literacy programme has also been launched in collaboration with IBM to prepare the younger generation in the use of technology which is fast becoming a way of life.

62. The Government of Pakistan feels that for people to enjoy the rights they have it is important that they should be aware of their rights and obligations. The Ministry of Human Rights which has been recently established has launched an awareness programme in the field of human and legal rights. This awareness programme is being carried out through the print and electronic media. It is also proposed that human rights as a subject would be included in the curriculum at the schools. The Ministry of Human Rights is also in the process of establishing complaint cells where an aggrieved person who feels that this or her rights have been violated can approach and seek redressal for his or her grievances.

63. Religious education of any sect or denomination is optional. There are several educational institutions managed and run by members of the minority communities, particularly the Christian missionaries, without any hinderance or discrimination.

64. Educational goals as well as the content and method of education are wholly consistent with and are designed to promote the purposes and principles en..rined in the Charter of the United Nations and international human rights instruments, including the International Convention on the Elimination of All

Forms of Racial Discrimination. At the university level students are encouraged to undertake research on subjects related to promotion of understanding, tolerance and friendships among nations.

65. Culture, like democracy, is of the people, by the people and for the people. Therefore, an important policy initiative taken by the Government was to democratize culture and decentralize activities to give recognition to the regional heritage of languages and literature, to reorganize important national bodies, revitalize cultural institutions and, above all, to revive and promote equal participation by women in all sectors, including sports.

66. The National Institute of Folk Heritage (Lok Virsa), which falls under the Ministry of Culture, has been established to promote and project understanding, tolerance and friendship among the people of Pakistan through cultural programmes. All publications, video and audio cassettes and programmes of the National Institute of Folk Heritage focus on projection of social harmony and tolerance at intra-national and international levels. The Institute basically reflects the message of peace and harmony in the folk culture of various regions in Pakistan.